

DIVISION E. Outreach Program/Mandatory Subcontracting Minimum/Affirmative Action and
Equal Employment Opportunity for Use on County-Funded Construction
Contracts of \$50,000 and Greater
100,000

SECTION I. OUTREACH PROGRAM

A. General

This project is subject to the policies and requirements established in the County's Outreach Program for the use of Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), Other Business Enterprises (OBEs), Small Business Enterprises (SBEs), and Local Business Enterprises (LBEs). The County is committed to ensuring full and equitable participation by minority, women, and other sub-bid or subcontracting businesses in County-funded construction projects. The Outreach Program is set forth herein. Bidders should be fully informed of this program. Bidders are encouraged to use MBE/WBE firms whenever there is a need to subcontract portions of the work. Failure to comply with the County's Outreach Program may render the bid non-responsive.

B. MBE/WBE/OBE Participation

The Outreach Program requires the bidder to make a "Good Faith Effort" to obtain sub-bid participation by MBEs, WBEs, OBEs, SBEs, and LBEs which is anticipated by the County to produce levels of participation as stated in the proposal form.

C. Definitions

For purposes of this program, the following definitions shall apply:

1. "Minority or Women Business Enterprise (MBE or WBE)" means a business enterprise that meets both of the following criteria:
 - a. A business entity that is at least 51 percent owned by one or more minority persons or women or, in the case of any business whose stock is held, at least 51 percent of the stock is owned by one or more minority persons or women; and
 - b. A business whose management and daily business operations are controlled by one or more minority persons or women.
2. "Other Business Enterprise (OBE)" means any business which does not otherwise qualify as a Minority or Women Business Enterprise.
3. "Small Business Enterprise (SBE)" means a small business concern, as defined in Section 3 of the Small Business Act and implementing regulations (Volume 13 of the Code of Federal Regulations, Chapter 1).
4. "Local Business Enterprise (LBE)" means a business that has its main office or principal place of business within the boundaries of Contra Costa County.

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5. "Minority person" means African Americans; Hispanic Americans; Native Americans (including American Indians, Eskimos, Aleuts, and Native Hawaiians); Asian Pacific (including persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas); and Asian Indians (including persons whose origins are from India, Pakistan, and Bangladesh).
6. "Subcontract" means an agreement between the prime contractor and an individual, firm, or corporation for the performance of a particular portion(s) of the work which the prime contractor has obligated itself.
7. "Subcontractor" means an individual, firm, or corporation having a direct contract with the contractor for the performance of a part of the work which is proposed to be constructed or done under the contract or permit, including the furnishing of all labor, materials, or equipment.
8. "Vendor and/or supplier" means a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. The firm must engage in, as its principal business, and its own name, the purchase and sale of the products in question. A vendor and/or supplier of bulk items such as steel, cement, stone, and petroleum products need not keep such products in stock, if it owns or operates distribution equipment.
9. "Manufacturer" means a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the contractor.
10. "Trucker" means a firm that performs hauling or trucking work with trucks owned or leased by that firm.
11. "Broker" means a firm that charges for providing a bona fide service such as professional, technical, consultant, or managerial services and assistance in the procurement of essential personnel, facilities, equipment, insurance or bonds, materials, or supplies required for the performance of the contract. The fee or commission is to be reasonable and not excessive as compared with fees customarily allowed for similar services.

D. Certification and Participation of Minority and Women Business Enterprises

1. If recognition is to be given to MBE/WBE participation on this project, within three (3) working days after bid opening, an MBE/WBE must be: (a) certified by the involved County department or self-certified on an appropriate form satisfactory to the County; or (b) certified by any of the following agencies-State of California Department of Transportation (Caltrans), City of Oakland, Port of Oakland, Regional Transit Coordinating Council, San Francisco Human Rights Commission, Los Angeles County Metropolitan Transportation Commission, or U.S. Small Business Administration.

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Applications for certification and/or directories of MBE/WBE certified firms are
available at the following locations:

a. Contra Costa County

Affirmative Action Office, 651 Pine Street, 10th Floor, Martinez, CA 94553
Telephone: (925) 335-1045
Fax: (925) 646-1353
Email: brive@cao.co.contra-costa.ca.us

b. City of Oakland

Office of Public Works, One City Hall Plaza, Oakland, CA 94612
Telephone: (510) 238-3970
Fax: (510) 234-2233

c. Los Angeles County Metropolitan Transportation Commission

Equal Opportunity Department, 1 Gateway Plaza, Los Angeles, CA 90012
Telephone: (213) 922-2600
Fax: (213) 922-7660

d. Port of Oakland

530 Water Street, Oakland, CA 94607
Telephone: (510) 272-1390
Fax: (510) 272-1172

e. Regional Transit Coordinating Council

Includes the following agencies:

AC Transit (Alameda Contra Costa Transit District)
Telephone: (510) 577-8812
Fax: (510) 577-8839
Email: sandyp@pacbell.net

BART (Bay Area Rapid Transit District)
Telephone: (510) 464-6110
Fax: (510) 464-7587
Email: jmackl@bart.dst.ca.us

County Connection (Central Contra Costa Transit Authority)
Telephone: (925) 676-1976 x223
Fax: (925) 686-2630

Metropolitan Transportation Commission
Telephone: (510) 464-7750
Fax: (510) 464-7848
Email: jmiyas@mtc.dst.ca.us

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Samtrans (San Mateo County Transit District)
Telephone: (415) 508-6417
Fax: (415) 508-6415

San Francisco Municipal Railway
Telephone: (415) 923-6139
Fax: (415) 923-6180

Santa Clara Valley Transportation Authority
Telephone: (408) 321-5606
Fax: (408) 955-0892
Email: andy.flores@vta.org

- f. San Francisco Human Rights Commission
25 Van Ness Avenue, Suite 800, San Francisco, CA 94102-6033
Telephone: (415) 252-2500
Fax: (415) 431-5764
Webpage: <http://www.sfhumanrights.org/>
(Note: Firm must be listed on their certification list, not their registry).
- g. Caltrans (California Department of Transportation)
Division of Civil Rights, 1120 N Street, Room 2445, Sacramento, CA 95814
Webpage: <http://www.dot.ca.gov/hq>
- h. U.S. Small Business Administration
Regional Office, 71 Stevenson Street, 20th Floor, San Francisco, CA 94105-2939
Telephone: (415) 744-6808
Webpage: <http://www.govcon.com/>

2. This applies to recognition as an MBE/WBE.

- a. All listed MBE or WBE firms must be certified as defined under the preceding paragraph before credit may be allowed toward the respective MBE or WBE participation level.
- b. Work performed by a prime contractor will be considered for credit in computing any level of anticipated MBE/WBE participation established for this project. The prime contractor will be required to make a good faith effort to obtain certified MBEs/WBEs through subcontracting to reach anticipated participation levels.
- c. A listed MBE or WBE firm must perform a commercially useful function, i.e., must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing, and supervising the work.

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- d. Recognition for materials and/or supplies is limited to 60 percent of the amount to be paid to the vendor for such materials/supplies in computing the levels of MBE/WBE participation, unless the vendor manufactures or substantially alters the materials/supplies.
- e. MBE/WBE credit shall not be given to a Joint Venture partner listed as a subcontractor by a Joint Venture bidder.
- f. MBE/WBE credit for brokers required for performance of the contract is limited to the reasonable fee or commission charged, as not considered excessive, as compared with fees customarily allowed for similar services.

E. Good Faith Effort Documentation

The bidder must take affirmative steps prior to bid opening to ensure that a maximum effort is made to recruit sub-bidder/subcontractors. Minority and women-owned and controlled businesses must be considered along with other business enterprises whenever possible as sources of supplies, construction, and other services. The required affirmative steps for Good Faith Effort documentation are outlined below.

It is the policy of Contra Costa County to provide all MBEs, WBEs, OBEs, SBEs, and LBEs an equal opportunity to participate in the performance of all County contracts. Bidders must assist the County in implementing this policy by taking all reasonable steps to ensure that all qualified business enterprises, including MBEs, WBEs, OBEs, SBEs, and LBEs have an equal opportunity to compete for and participate in County contracts. A bidder's good faith efforts to reach out to MBEs, WBEs, OBEs, SBEs, and LBEs (subcontractors, suppliers, manufacturers, truckers, etc.) will be determined by the Board of Supervisors from written documentation of the level of effort put into achieving the indicators. Failure to meet anticipated MBE/WBE participation levels will not by itself be the basis for disqualification or determination of noncompliance with this policy. However, failure to include supporting documentation of a good faith effort and failure to achieve a minimum of 75 out of 100 Good Faith Effort evaluation points may render the bid non-responsive and may result in its rejection. Adequacy of bidder's good faith effort will be determined after consideration of the indicators of good faith as set forth below.

Indicator	1	2	3	4	5	6	7	8	9	10	Total
Points	0	10	13	9	10	10	5	10	26	7	100

Each indicator (2-10) is evaluated on a pass/fail basis, i.e., either full or zero points can be achieved for compliance with each item.

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1	LEVEL OF ANTICIPATED MBE/WBE PARTICIPATION	No Points
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The bidder has made a good faith effort to obtain sub-bid participation by MBEs, WBEs, OBEs, SBEs, and LBEs which could be expected by the County to produce a reasonable level of participation by interested business enterprises, including the anticipated levels of MBE and WBE participation set forth in the proposal form and to have the bidder meet the Mandatory Subcontracting Minimum for the project.

2	ATTENDED PRE-BID MEETING	10 Points
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The bidder has attended the pre-bid meeting scheduled by the County to inform all bidders of the requirements for the project for which the contract will be awarded. This requirement may be waived only if the bidder certifies in writing prior to the pre-bid meeting that it was already informed as to those project requirements.

Required Documentation: a) Attend pre-bid meeting and be listed on the attendance sheet; or b) Submit a letter prior to the pre-bid meeting either by fax to (925) 313-7299 or by mail to Contra Costa County General Services Department, Architectural Division, 1220 Morello Avenue, Suite 100, Martinez California 94553.

3	SUFFICIENT WORK IDENTIFIED FOR SUBCONTRACTORS	13 Points
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The bidder has identified, listed and selected specific work items in the project to be performed by sub-bidders/subcontractors in order to provide an opportunity for participation by MBEs, WBEs, OBEs, SBEs, and LBEs. Upon making this determination, the bidder subdivided the total contract work requirements into smaller portions or quantities to permit maximum active participation of MBEs, WBEs, OBEs, SBEs, and LBEs.

Required Documentation: Proof of this must be demonstrated in either Indicator 4 or 5.

4	ADVERTISEMENT	9 Points
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Not less than ten (10) calendar days prior to bid opening, the bidder advertised for sub-bids from interested business enterprises in one or more daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals, or other media, specified by the County, such as the Daily Construction Service, the Daily Pacific Builder, or the Small Business Exchange.

Required Documentation: A copy of the advertisement and a proof of publication statement or other verification which confirms the date the advertisement was published.

Note: The advertisement must be specific to the project, not generic, and may not be a plan holder advertisement provided by the publication. It should include the County project name, name of bidder, areas of work available for subcontracting, and a contact person's name and telephone number, information on the availability of plans and specifications and the bidder's

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policy concerning assistance to subcontractors in obtaining bonds, lines of credit, and/or insurance. Consideration will be given to the wording of the advertisement to ensure that it did not exclude or seriously limit the number of potential respondents.

5	WRITTEN NOTICES TO SUBCONTRACTORS	10 Points
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The bidder has provided written notice of its interest in receiving sub-bids on the contract to those subcontractors, suppliers, manufacturers, and truckers, including MBEs, WBEs, OBEs, SBEs, and LBEs having an interest in participation in the selected work items. All notices of interest shall be provided not less than ten (10) calendar days prior to the date the bids are required to be submitted.

Required Documentation: A copy of each letter sent to available MBEs, WBEs, OBEs, SBEs, and LBEs for each item of work to be performed. If there is only one master notification, then a copy of the letter along with a listing of all recipients will suffice. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain: areas of work to be subcontracted; County project name; name of the bidder; contact person's name, address, and telephone number; information on the availability of plans and specifications; and the bidder's policy concerning assistance with bonds, lines of credit, and insurance.

Note: This written notice can be used to satisfy Indicators 3, 7, and 10.

CERTIFICATION AGENCIES

(Bidders should contact the agencies listed in Paragraph D.1 above to obtain current copies of MBE/WBE directories for listings of certified MBE/WBE firms.)

6	FOLLOW-UP ON INITIAL SOLICITATION	10 Points
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The bidder has documented efforts to follow-up initial solicitations made in Indicator #5 by contacting the MBEs, WBEs, OBEs, LBEs, and SBEs to determine with certainty whether said businesses were interested in performing specific portions of the project work, to answer any questions from them, to record any telephone quotes, and to confirm/record the business' interest in bidding on the project.

Required Documentation: A copy of telephone logs. These logs must include the name of the company called, telephone number, contact person, who did the calling, time, date, and the result of the conversation. Bidder must follow-up with all subcontractors to whom they sent letters.

7	PLANS, SPECIFICATIONS AND REQUIREMENTS	5 Points
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The bidder has provided interested sub-bid enterprises with information about the plans, specifications, and requirements for the selected sub-bid/subcontracting work.

Required Documentation: Include in Indicator 4 or 5, information detailing how, where, and when the bidder will make the required information available to interested subcontractors.

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8	CONTACTED RECRUITMENT/PLACEMENT ORGANIZATIONS	10 Points
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The bidder has requested assistance from organizations that provide assistance in the recruitment and placement of MBEs, WBEs, OBEs, SBEs, and LBEs not less than fifteen (15) calendar days prior to the submission of bids. Any organizations which have been contacted must be listed in the required documentation.

Required Documentation: A copy of each letter sent to outreach agencies requesting assistance in recruiting MBEs, WBEs, OBEs, SBEs, and LBEs. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, County project name, name of the bidder, and contact person's name, address, and telephone number.

9	NEGOTIATE IN GOOD FAITH	26 Points
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The bidder has negotiated in good faith with interested MBEs, WBEs, OBEs, SBEs, and LBEs and did not unjustifiably reject as unsatisfactory bids or proposals prepared by any enterprise, as determined by the County.

Required Documentation: a) Copies of all MBE/WBE/OBE/SBE/LBE bids or quotes received; and b) Summary sheet organized by work area, listing the bids received, the name of the company that submitted the bid, the dollar amount of the bid and the subcontractor selected for that work area. If the bidder elects to perform a listed work area with its own forces, they must include a bid that shows their own costs for the work.

10	BOND, LINES OF CREDIT, AND INSURANCE ASSISTANCE	7 Points
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The bidder has documented efforts to advise and assist interested MBEs, WBEs, OBEs, SBEs, and LBEs in obtaining bonds, lines of credit, and insurance required by the County or contractor.

Required Documentation: Include in Indicator 4 or 5, information about the bidders's efforts to assist with bonds, lines of credit, and insurance.

No later than three (3) working days following bid opening, the bidders shall submit completed good faith effort documentation to the County. In its review of the good faith effort documentation, the County may request additional information to validate and/or clarify that the good faith effort submission was adequate. Such information shall be submitted promptly upon request by the County.

For MBE/WBE firms to be used on the project, the bidder shall submit, within three (3) working days after bid opening, a completed "Letter of Intent" form for each such firm (see sample form at end of Division E). Use of the form will verify the amount of work each MBE/WBE subcontractor, supplier, manufacturer, or trucker intends to perform. The form

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shall be signed by the MBE/WBE subcontractor, supplier, manufacturer, or trucker identifying the item(s) of work to be performed and the actual dollar value to be received.

F. Award of Contract

The Board reserves the right to reject any and all bids. The award of a contract will be to the lowest responsive, responsible bidder whose proposal complies with all requirements prescribed herein. This includes compliance with the required Outreach Program. A positive and adequate demonstration to the satisfaction of the Board of Supervisors that a good faith effort to include MBE/WBE/OBE/SBE/LBE subcontractors' participation was made is a condition for eligibility for award of the contract.

In the event that the Board considers awarding away from the apparent low bidder because of the bidder's failure to supply adequate good faith effort documentation, the County shall afford the bidder an opportunity to present further evidence prior to award of contract.

The Board specifically reserves the right, in its sole discretion, to waive any of the time requirements set forth in this Division E and to waive any other irregularities relating to compliance with the County's Outreach Program.

G. Subcontractor Substitution

In addition to the requirements set forth in the provisions pertaining to the listing of subcontractors the following shall apply for the purpose of this program:

1. Substitution During Construction: The contract award requires that the level of all subcontractor participation shall be maintained throughout the duration of the contract.
 - a. The Contractor shall request advance approval for all substitutions of bid-listed subcontractors.
 - b. The request shall be in writing and submitted to the County. The request shall give the reason for the substitution, the name of the subcontractor, supplier, trucker, or manufacturer, and the name of the replacement.
2. MBE/WBE Sub-bidder/Subcontractor Substitution: The County requires that whenever the Contractor seeks to substitute a bid-listed MBE/WBE subcontractor, supplier, manufacturer, or trucker, the Contractor must make a good faith effort to replace the MBE/WBE with a firm of the same certification status (i.e., MBE for MBE and WBE for WBE).
 - a. The Contractor shall call at least two (2) certified MBE or WBE sub-bid prospects from each trade for which sub-bid/subcontracting work is available and document the following for submittal:

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Name of the company called; contact person and telephone number; date and time of contact.

Response for each item of work which was solicited, including dollar amounts.

Reason for selection or rejection of sub-bid prospect.

- b. The Contractor shall submit all documentation of good faith efforts to the County for review and approval by the County Administrator's Office.

H. Sub-Agreement Falsification

Falsification or misrepresentation of a sub-agreement as to company name, contract amount, and/or actual work to be done by the sub-bidder/subcontractor will result in sanctions set forth in provisions pertaining to listing of subcontractors.

I. Final Subcontracting Report Submittal/Verification of Performance Forms

The Contractor must submit the Final Subcontracting Report to the County Affirmative Action Office within fifteen (15) calendar days after the final inspection of the contract work by the County. Failure to comply may result in the assessment of liquidated damages in the amount of five hundred dollars (\$500.00) per calendar day by the Board of Supervisors.

Upon completion of work, the Contractor shall submit a completed "Verification of Performance" form (see sample form at end of Division E) for each MBE/WBE prime contractor, subcontractor, supplier, manufacturer, or trucker used on the project or listed in the bid. The form shall be signed by the MBE/WBE identifying the item(s) of work performed and the actual dollar amount received. Final payment for work done may be withheld until all MBE/WBE Verification of Performance forms are received. The Prime Contractor must explain in writing any total dollar amounts paid to MBE/WBE subcontractors, suppliers, manufacturers, or truckers that are less than the dollar amounts shown on the respective Letter of Intent.

J. Review of Records

Upon request, the Contractor and its subcontractors and truckers shall promptly make available, for review by the County Administrator's Office, certified payroll records and copies of purchase orders, invoices, and/or contracts from suppliers and manufacturers.

K. Prompt Payment

The Contractor shall make prompt payment to its subcontractors, truckers, suppliers, and manufacturers in accordance with their contracts and legal relationships.

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SECTION 2. MANDATORY SUBCONTRACTING MINIMUM

A. General

This project is subject to the policies and requirements established by the Board of Supervisors Outreach Program-Construction. The County is committed to maximizing subcontracting opportunities in the provision of all goods and services to the County on a contractual basis. The Outreach Program is set forth herein. Bidders should be fully informed of this program. Failure to comply with the Mandatory Subcontracting Minimum requirements may render the bid non-responsive.

B. Mandatory Subcontracting Minimum Participation Level

To be eligible for award of this project, the Board of Supervisors requires the bidder to subcontract a minimum percentage of its bid, which is stated in the proposal form, to any qualified available contractor, and list all subcontractors, regardless of amount, that the bidder wishes to be credited toward achieving the required MSM. Failure to list the subcontractors and subcontracting amounts with the bid on the form provided in the proposal, sufficient to meet or exceed the required MSM, may cause the bid to be rejected by the Board of Supervisors as non-responsive.

C. Definitions

For purposes of this program, the following definitions shall apply:

1. "Subcontractor" means an individual, firm or corporation having a direct contract with the contractor for the performance of a part of work which is proposed to be constructed or done under the contract or permit, including the furnishing of all labor, materials, or equipment.
2. "Subcontract" means an agreement between the prime contractor and an individual, firm or corporation for the performance of a particular portion(s) of the work which the prime contractor has obligated itself.
3. "Vendor and/or supplier" means a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. The firm must engage in, as its principal business, and its own name, the purchase and sale of the products in question. A supplier of bulk items such as steel, cement, stone and petroleum products need not keep such products in stock, if it owns or operates distribution equipment.
4. "Manufacturer" means a firm that operates or maintains a factory or establishment that produces on the premises the materials or suppliers obtained by the contractor.

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5. "Broker" means a firm that charges for providing a bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment, insurance or bonds, materials or supplies required for performance of the contract. The fee or commission is to be reasonable and not excessive as compared with fees customarily allowed for similar services.

D. MSM Participation Recognition

1. Work performed by a prime contractor will not be considered for credit toward the MSM participation level.
2. MSM credit for materials and/or supplies is limited to 60 percent of the amount to be paid to the vendor for the materials/supplies.
3. MSM credit for a vendor who substantially alters materials/supplies and/or is a manufacturer will be 100 percent.
4. MSM credit for brokers required for performance of the contract is limited to the reasonable fee or commission charged, as not considered excessive, as compared with fees customarily allowed for similar services.
5. MSM credit shall not be given to a Joint Venture partner listed as a subcontractor by a Joint Venture bidder.

PROPOSAL

All good faith effort documentation must be submitted with the bid or within three (3) working days following the bid opening.

Failure to submit the required good faith effort documentation within three (3) working days following the bid opening may render the bid non-responsive.

The County anticipated levels of

MBE Participation:	14%
WBE Participation:	6%

The bidder is required to subcontract the following minimum percentage of its bid:

Mandatory Subcontracting Minimum (MSM) Requirement	— %
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NOTE: Outreach Program information and/or assistance may be obtained through the County's Affirmative Action Office at (925) 335-1045.

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SECTION 3. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY

The Contractor shall pay special attention to Division F General Conditions, Section 56 Equal Employment Opportunity and Labor Code Section 1735 and these special provisions.

A. Employment Goals

1. On projects of \$1,000,000 or more it shall be the goal of each contractor and subcontractor to ensure that the overall minority composition of all persons employed specifically for the purpose of completing this contract shall reflect the overall minority composition of the labor force of Contra Costa County (25.7%) and 6.9% of the labor force for women employed specifically for the purpose of completing this contract. This requirement does not apply to current employees used on this contract.
2. The contractor shall make a maximum effort to achieve this employment goal within each trade by ensuring that the percentage of total hours worked within each trade by persons who are members of minority groups and women are in proportion to the overall minority composition of the Contra Costa County labor force population.
3. The goals shall apply to the contractor and all subcontractors regardless of how they are selected.

B. Specific Affirmative Action Steps

1. No contractor or subcontractor shall be found to be in noncompliance solely on account of its failure to meet its goals. The Contractor and subcontractor shall be given the opportunity to demonstrate that they have instituted these Specific Affirmative Action Steps and have made every "good faith effort" to make these steps work toward the attainment of the above employment goals. The contractor shall inform its subcontractors of their respective obligations under the terms and requirements of these special provisions.
2. The Contractor's and subcontractors' Affirmative Action Program must include specific affirmative action steps to increase minority and women utilization. Any contractor who fails to meet the employment goals outlined in Paragraph A "Employment Goals", above, must demonstrate to the satisfaction of the Contract Compliance Officer that a "good faith effort" was made to meet these goals. This effort must be at least as extensive and specific as the following:
 - a) The Contractor shall notify the union (hiring hall) in writing that the employment goal of this project is not being met, and the Contractor shall solicit the union's assistance in meeting the specified goals.

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- b) The Contractor shall make specific and continuing personal recruitment efforts, both written and oral, directed at minority, female and community organizations, schools with minority and female students, minority and female recruitment organizations, and minority and female training organizations within the greater San Francisco Bay Area.
- c) The Contractor shall notify the Contract Compliance Officer whenever the union or unions with whom the Contractor has a collective bargaining agreement have not referred to the Contractor a minority person or female in response to a request sent by the Contractor to the union or whenever the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet the specified employment goals.
- d) The Contractor shall actively participate as an individual or through an association in joint apprenticeship programs, and the Contractor shall, where reasonable, develop on-the-job training opportunities and programs which expressly include minorities and females.
- e) The Contractor shall solicit and sponsor members of minority groups and females for pre-apprenticeship training.
- f) The Contractor shall demonstrate an effort to cooperate with the unions with which the Contractor has agreements in the development of programs to assure qualified members or minority groups and females of equal opportunity in employment in the construction trades.
- g) The Contractor shall maintain a file of the names, addresses and telephone numbers of minority and female workers referred to said Contractor, what actions were taken with respect to each referred worker, and if the worker was not employed, the reasons why. For each such worker not employed by the Contractor, the Contractor's file shall document the reasons.
- h) The Contractor shall establish and maintain a current list of minority and female recruitment sources, and shall notify community organizations that the Contractor has employment opportunities available, and shall maintain the records of organizations' responses. The Contractor shall make a specific effort to encourage its current employees to recruit any qualified minority and female workers.
- i) The Contractor shall disseminate an Equal Employment Opportunity (EEO) policy within the Contractor's own organization by including it in any policy manual and collective bargaining agreement; by publicizing it in company newspapers and annual reports; by conducting staff and employee representative meetings to explain and discuss policy; by posting of the policy; and by specific review of the policy with minority and female employees.

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Contracts of \$50,000 and Greater

- j) The Contractor shall disseminate an EEO policy externally by providing notice of the policy to the unions and training programs and requesting their cooperation in assisting the Contractor in meeting EEO obligations; by informing and discussing it with all recruitment sources; by advertising in the news media, specifically including minority and female news media; by notifying and discussing it with all subcontractors and suppliers.
- k) The Contractor shall ensure that all facilities and company activities are nonsegregated. If necessary, changing facilities shall be provided to assure privacy between the sexes.
- l) The Contractor shall conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage such employees to seek or to prepare for, through appropriate training, etc., such opportunities.
- m) The Contractor shall review, at least annually, the company's EEO policy.

Upon request by the Contract Compliance Officer, the Contractor shall provide copies of documentation that a "good faith effort" was made.

C. Reporting Requirements

The provisions in Division F General Conditions, Section 36 Equal Employment Opportunity and Labor Code Section 1735 are amended as follows:

Each employee shall be identified as to minority or non-minority status and as to gender status on a form acceptable to the Contract Compliance Officer. Forms shall be submitted weekly to the Contract Compliance Officer. When payroll records are required, this information may be included on certified payroll records using California Department of Industrial Relations Public Works Payroll Reporting Form A-1-131.

D. Enforcement

The Contract Compliance Office will review Contractor's and subcontractor's "project" employment practices during the performance of the work.

DIVISION E. Outreach Program/Mandatory Subcontracting Minimum/Affirmative Action and
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1. Determination of Noncompliance: If the Contract Compliance Officer determines that there is an apparent violation of any substantial requirements of these "Affirmative Action and Equal Employment Opportunity" special provisions, Division F General Conditions, Section 36 Equal Employment Opportunity or Labor Code Section 1735 by the Contractor or one of its subcontractors, the Contract Compliance Officer will hold a meeting with the Contractor, and its subcontractor (if applicable), for the purpose of determining whether the Contractor is indeed out of compliance. If after the meeting the Contract Compliance Officer finds the Contractor out of compliance, the Contractor will be notified of its appeal rights to the County Administrator. In the event that the Contractor disagrees with the County Administrator's determination, the Contractor may appeal, in writing, to the Board of Supervisors. If the Board of Supervisors concurs that there has been a violation, the Contract Compliance Officer will notify the Contractor in writing of the sanctions to be imposed.

In addition, the Contra Costa County Board of Supervisors will deem a finding of willful violation of the California Fair Employment Act by the Fair Employment Practices Commission to be a violation by the Contractor of the nondiscrimination requirements of this project, and such violation shall be subject to the sanctions provided herein. The same shall apply to violations of the Equal Employment Opportunity Commission regulation and other state and federal compliance agencies. Any sanctions imposed by the County for such violations shall be in addition to any sanctions or penalties imposed by the regulatory agencies or commissions.

2. Sanctions: A finding at the public hearing that there has been a violation of the Affirmative Action and Equal Employment Opportunity requirements of this project shall be cause for the Board of Supervisors to impose any or all of the following sanctions:
 - a) Withhold an additional (10%) of all further contract progress payments until the Contractor provides evidence satisfactory to the Board of Supervisors that the condition of noncompliance has been corrected.
 - b) Suspend the contract until such time as the Contractor provides evidence satisfactory to the Board of Supervisors that the condition of noncompliance has been corrected. All expenses, including liquidated damages shall be paid by the Contractor for any resultant delays.
 - c) Cancel the contract and collect appropriate damages from the Contractor.
 - d) Declaration that the Contractor is non-responsible and is ineligible to make bids on future County contracts until the Contractor can demonstrate to the satisfaction of the Board of Supervisors that the violation has been corrected.

Contra Costa County
OUTREACH PROGRAM
Affirmative Action Office
651 Pine Street, Martinez, CA 94553
(925) 335-1045 Fax (925) 646-1353

LETTER OF INTENT TO PERFORM AS A
SUBCONTRACTOR / SUPPLIER / MANUFACTURER / TRUCKER

Name of Prime Contractor

Name of Project

Project Number

The undersigned is a (check one):

☐ Sole proprietorship ☐ Corporation ☐ Limited Liability
☐ Partnership ☐ Joint Venture

Check the following which may apply.

MBE	WBE	SBE	LBE
<input type="checkbox"/> Subcontractor	<input type="checkbox"/> Subcontractor	<input type="checkbox"/> Subcontractor	<input type="checkbox"/> Subcontractor
<input type="checkbox"/> Supplier	<input type="checkbox"/> Supplier	<input type="checkbox"/> Supplier	<input type="checkbox"/> Supplier
<input type="checkbox"/> Manufacturer	<input type="checkbox"/> Manufacturer	<input type="checkbox"/> Manufacturer	<input type="checkbox"/> Manufacturer
<input type="checkbox"/> Trucker	<input type="checkbox"/> Trucker	<input type="checkbox"/> Trucker	<input type="checkbox"/> Trucker
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____
Describe	Describe	Describe	Describe

☐ None of the Above Apply

The undersigned is prepared to perform the following described work in connection with the above project (specify in detail the particular work items or parts thereof to be performed):

Total Amount Bid to Prime Contractor: \$ _____

Signature

Position Title

Date

Name of Person Completing this Form

Company Name

Phone Number

Fax Number

VERIFICATION OF PERFORMANCE
SUBCONTRACTOR/SUPPLIER/MANUFACTURER/TRUCKER/SUBCONSULTANT

- # DIVISION E - 19